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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,515	12/22/2000	John Baggs	81862P187	1054

7590 09/29/2004  
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EXAMINER
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ODLAND, DAVID E

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/746,515

Applicant(s)

BAGGS ET AL.

Examiner

David Odland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,7 and 19, are rejected under 35 U.S.C. 102(e) as being anticipated by Dorsey et al. (USPN 6,198,751), hereafter referred to as Dorsey.

Referring to claims 1,7 and 19, Dorsey discloses determining whether a digital signal processor needs a service program stored in a juke box overlay memory (when a packet arrives at a packet translator, it is determined what set of instructions a controller needs from an opcode memory in order to provide the particular protocol service (see column 4 line 45 through column 5 line 21 and column 7 line 64 through column 8 line 37 and figure 5)) and delivering the service program to the digital signal processor from the juke box overlay memory over a host port interface bus (the appropriate opcode instructions from the opcode memory are sent to the controller over a bus (see column 4 line 45 through column 5 line 21 and column 7 line 64 through column 8 line 37 and item 16 in figure 5)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over.

Referring to claim 13, Dorsey discloses determining whether a digital signal processor needs a service program stored in a juke box overlay memory (when a packet arrives at a packet translator, it is determined what set of instructions a controller needs from an opcode memory in order to provide the particular protocol service (see column 4 line 45 through column 5 line 21 and column 7 line 64 through column 8 line 37 and figure 5)) and delivering the service program to the digital signal processor from the juke box overlay memory over a host port interface bus (the appropriate opcode instructions from the opcode memory are sent to the controller over a bus (see column 4 line 45 through column 5 line 21 and column 7 line 64 through column 8 line 37 and item 16 in figure 5)). Dorsey does not disclose that the method is implemented using a computer readable medium. However, it would have been obvious to one skilled in the art at the time of the invention to implement the Dorsey system in this manner because the developmental costs of a software implementation are less than that of a hardware based implementation. Furthermore, software is easier to upgrade than hardware.

5. Claims 2-6,8-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorsey in view of Pickett (USPN 6,181,694), hereafter referred to as Pickett.

Referring to claims 2-4,8-10 and 14-16, Dorsey does not disclose generating a data packet from a pulse code modulated data stream using the service program, receiving the pulse code modulation data stream from a public switched telephone network or transmitting the data

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packet over an internet protocol network. However, Pickett discloses a system wherein POTS data (i.e. PCM data from the PSTN central office) is converted into a packet format and transmitted over a WAN such as the Internet (see figure 3). It would have been obvious to one skilled in the art at the time of the invention to implement this feature into Pickett because communicating PCM data from the PSTN and Internet communications are both very commonly used communications protocols. Therefore, converting between these communications in the Dorsey system would make the system more versatile and flexible in supporting different formats for its users.

Referring to claims 5, 11 and 17, Dorsey does not disclose that the service program provides a service selected from the group comprising voice communication, fax communication, modem communication, video communication, and audio communication. However, Pickett discloses a multi-protocol system that provides fax and voice communication services (see figure 3). It would have been obvious to one skilled in the art at the time of the invention to implement the Dorsey system with this feature because doing so would allow the system to support a variety of communication needs, thereby making the system more flexible and versatile.

Referring to claims 6, 12 and 18, Dorsey does not disclose receiving a packet from an internet protocol network, generating a pulse code modulation data stream from the packet using the service program and transmitting the pulse code modulation data stream over a public switched telephone network. However, Pickett discloses that packet data from the Internet is converted into POTS data (i.e. PCM data for the PSTN) (see figure 3). It would have been obvious to one skilled in the art at the time of the invention to implement this feature into Pickett

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because Internet communications and communicating PCM data to the PSTN are very commonly used communications protocols. Therefore, converting between these communications in the Dorsey system would make the system more versatile and flexible in supporting different formats for its users.

### *Conclusion*

6. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 5,265,239 to Ardolino et al.
- b. U.S. Patent Number 5,251,205 to Callon et al.
- c. U.S. Patent Number 5,898,604 to Winterer

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland whose telephone number is (571) 272-3096. The examiner can normally be reached on Monday - Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

deo

September 21, 2004



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
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